CHARTER OF THE CITY OF

BROADVIEW HEIGHTS

OHIO

Local legislation current through October 20, 2014
State legislation current through July 15, 2014

CHARTER

OF THE

CITY OF BROADVIEW HEIGHTS, OHIO

EDITOR'S NOTE: The Charter of the City of Broadview Heights was approved by the voters on November 7, 1961.

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CHARTER

OF THE

CITY OF BROADVIEW HEIGHTS, OHIO

PREAMBLE

We, the citizens of the City of Broadview Heights, County of Cuyahoga, State of Ohio, believing in our ability to govern ourselves in local self-government under the Constitution and the laws of the State of Ohio, do hereby adopt this Charter.

ARTICLE I
NAME AND BOUNDARIES

The City of Broadview Heights, as its limits now exist, shall continue to be a city in the County of Cuyahoga, State of Ohio.

ARTICLE II
FORM OF GOVERNMENT AND POWERS

Sec. 1. Form.

The Municipal Government provided by this Charter shall be known as the "Mayor-Council Form of Government."

Sec. 2. Powers.

The City shall have all powers of local self-government and home rule, and all powers possible for a city to have or hereafter to be granted to cities, under the Constitution or laws of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as shall be provided by Council, and there is reserved to the people the right to petition for redress of grievances.

ARTICLE III
THE COUNCIL

Sec. 1. Composition and Term.

(a) The legislative powers of the City of Broadview Heights shall be vested in and exercised by a Council comprised of seven (7) members:

Four (4) of whom shall be elected by wards, one (1) from each of the four wards; and

Three (3) of whom shall be elected by electors of the City at large.

Effective January 1, 2007 one (1) existing ward council position shall be deleted from Council and one (1) existing Council at-Large position shall be deleted from Council. The legislative powers of the City of Broadview Heights shall then be vested therein and exercised by a council composed of seven (7) members.

(b) Commencing with the regular Municipal election of 2015, each Councilperson shall be elected for a term of four (4) years and until his or her successor shall be elected and qualified by law.

(c) Commencing with the regular Municipal election of 1991 and each Municipal election thereafter, all Councils shall take office at 12:01 p.m. on the first Monday of December following said regular Municipal election.
(Approved Nov. 5, 1996; Nov. 5, 2002; Nov. 7, 2006; Nov. 4, 2014)

Sec. 2. Wards.
For the term commencing January 1, 1962, the division of the City into wards existing at the time of the adoption of this charter shall continue as they existed on that date and thereafter shall be as amended up to and including the first Monday in December, 2007. No later than January 1, 2007 based on the federal census of 2000 and all other relevant City data regarding population and thereafter commencing January 1, 2010 and every ten years thereafter, within sixty days after the proclamation by the Secretary of State announcing the population of cities of Ohio as determined by the Federal census decennially taken, the Council shall redivide the City into wards, which shall be as nearly equal in population as is possible each composed of contiguous and compact territory bounded by natural boundaries or street lines. Upon failure of the Council to redivide the City within the period provided, the Director of Law shall redivide it as herein provided and he shall file such plan with the Clerk of Council. This plan shall thereupon become the new division by wards of the City, provided that the redistricting of wards in 2007 shall be effective for ballot purposes upon its adoption but shall not be otherwise effective until the first Monday in December 2007.
(Approved Nov. 5, 2002; Nov. 7, 2006)

Sec. 3. Qualifications.
Members of the Council shall be electors of the City, shall have resided in the City, and Ward Councilmen shall have resided in their respective wards, for at least two (2) years immediately preceding their election and shall maintain their residency and electoral status during their term of office, provided that, for purposes of the election of 2007, such prior ward residency shall not be required of any candidate who has resided in a ward for at least two (2) years immediately preceding said election contiguous to the ward for which he or she is a candidate in 2007.

Except as otherwise provided in this Charter no member of Council shall hold any other Municipal office or Municipal employment in this City.

No member of Council shall be directly or indirectly interested in any profit or emolument from or on account of any contract work or service with or for the Municipality.

No two members of a family shall serve in an elected position concurrently. Family is consanguinity or affinity of the second degree which includes spouse, parents, children, siblings, grandparents, grandchildren.

Council shall be the judge of the qualifications of its own members.
(Approved Nov. 5, 1968; Nov. 5, 2002; Nov. 2, 2004; Nov. 7, 2006)

Sec. 4. Salaries and Bonds.

The Council shall fix the compensation of each officer and employee and each member of any board or commission of the City. Any such person may be required by the Council from time to time to furnish a bond or bonds for the faithful performance of his duties and the Council may provide that the premium for any such bond shall be paid by the City. The compensation of the Mayor and each member of the Council shall be fixed at least forty-five (45) days before the time for the filing of the nominating petitions for the term beginning on the next succeeding first day of their term of office and shall not thereafter be diminished or increased in any respect during such terms or any part thereof. The Council may authorize the payment of or reimbursement of expenses incurred by any officer or employee of the City, or by a board or commission of the City, for trips taken or otherwise incurred in the interest of the City.
(Approved Nov. 2, 1971)

Sec. 5. Meetings and Quorum.

In each calendar month, excepting July and August, where only one meeting per month shall be required, the Council shall hold at least two (2) regular meetings, the time and place of which shall be prescribed by ordinance. A majority of the Council shall constitute a quorum to do business unless otherwise specified in this Charter or by the Constitution or laws of the State of Ohio, but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as are prescribed by ordinance. The Mayor or any four (4) other members of Council may call special meetings upon at least twenty-four (24) hours' written notice to the Mayor and each member, served personally or left at his or her other usual place of residence. Such notice shall state the time, date and place thereof, and the subject or subjects to be considered at the meeting, and no other subject shall be there considered. Except as provided by the Constitution or the laws of the State of Ohio, all Council meetings shall be open to the public at all times.
(Approved Nov. 5, 1996)

Sec. 6. Vacancies.

Whenever any office of Councilman becomes vacant, the vacancy shall be filled by election for the unexpired term by a majority vote of all the remaining members of the Council. If the Council fails within thirty (30) days to fill such a vacancy, the Mayor shall fill it by appointment.

Sec. 7. Powers.

The Council shall have the power:

(a) To determine its own rules;

(b) By ordinance, to create, change and abolish any office, department or agency other than the offices, departments and agencies established by this Charter. The Council, by ordinance, may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency. Council may

authorize one person to serve in any capacity in two or more departments, divisions, boards or commissions.

(c) To fix the number of employees in the various departments of the City and to fix the rate of their compensation;

(d) To establish the form and method of enactment of its ordinances and resolutions, except as otherwise provided in this Charter;

(e) To authorize all contracts and make the necessary appropriations therefor. No contract shall be binding upon the City until it has been authorized or approved and the necessary money has been appropriated.

(f) By a vote of all of its members, to expel or remove any appointee of the Mayor from office for gross misconduct, malfeasance, nonfeasance or misfeasance in office, or for any other matter which would disqualify him from office or prevent him from carrying on his official duties in said office, or for his conviction while in office of a crime involving moral turpitude, or for absence without justifiable reason from his position, by first notifying the said appointee in writing of the charge which has been lodged against him at least fifteen (15) days prior to any hearing upon such charge. He shall have the right to be represented by counsel and shall be given an opportunity to be heard and to present evidence in his defense, and also shall have the right to examine under oath any witness appearing against him in support of such charge.

Sec. 8. Validation of Actions.

All ordinances passed and resolutions adopted by Council shall be signed by the President of Council, attested by the Clerk, and presented to the Mayor within five (5) days after their passage by the Council.

Sec. 9. President of Council and President Pro-Tem.

The President of Council shall be chosen from the entire pool of Councilpersons by a vote of the entire Council and shall serve a term of two (2) years as President.

Council shall, at the meeting scheduled for the first Monday in December elect from the entire pool of Councilpersons, the President of Council. The individual with the highest number of Council votes shall be the President of Council.

It shall be the duty of the President of Council to preside at meetings of Council, appoint various Council committees and perform such other duties as may be imposed by Council upon its presiding officer and such other duties as are imposed upon him by this Charter coordinating the work of the various committees appointed by him.

The President of Council shall have the right to vote on Ordinances, Resolutions and motions coming before Council.

The President of Council shall be acting Mayor when the Mayor is unable for any cause to perform his duties. As Acting Mayor, the President of Council shall have the same duties and powers as the Mayor.

In case of a vacancy in the office of President of Council, the President Pro-Tem of the Council shall become President of Council and the office of President Pro-Tem shall be filled by the Council candidate receiving the highest number of votes by a vote of the entire Council.

The President Pro-Tem of Council shall be chosen from the entire pool of Councilpersons by a separate vote of the entire Council and shall serve a term of two (2) years as President Pro-Tem.

Council shall, at the meeting scheduled for the first Monday in December elect from the entire pool of Councilpersons, the Council President Pro-Tem. The individual with the highest number of Council votes shall be the Council President Pro-Tem.

It shall be the duty of the President Pro-Tem of Council to preside at meetings of Council and perform such other duties as may be imposed by Council upon its presiding officer in the absence of the President of Council whenever the office of President of Council is vacant and/or in any period during which the President of Council is serving as Acting Mayor.
(Approved Nov. 5, 1996; Nov. 5, 2002; Nov. 7, 2006; Nov. 2, 2010; Nov. 4, 2014)

Sec. 10. Clerk of Council.

A Clerk of Council shall be appointed by Council. The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council, have custody of and properly index and file all ordinances and resolutions of Council, have custody of all other documents, reports, papers and communications received by Council and perform such other duties of Council that are required.
(Approved Nov. 5, 1968)

ARTICLE IV
THE MAYOR

Sec. 1. Term and Qualifications.

Commencing with the regular Municipal election of 1991, the Mayor shall be elected for a term of four (4) years and until his or her successor shall be elected and qualified as provided by law. He or she shall be a qualified elector of the City and shall have resided therein for not less than two (2) years preceding the date of election.

No two members of a family shall serve in an elected position concurrently. Family is consanguinity or affinity of the second degree which includes spouse, parents, children, siblings, grandparents or grandchildren.
(Approved Nov. 6, 1990; Nov. 2, 2004)

Sec. 2. Judicial Powers.

The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.

Sec. 3. Legislative and Veto Powers.

(a) The Mayor shall attend all Council meetings. The Mayor may introduce ordinances and resolutions and take part in any discussions on matters coming before Council but shall have no vote except as otherwise provided in this Charter.

(b) Every ordinance passed or resolution adopted by Council shall be signed by the President of Council or other presiding officer and presented to the Mayor within five (5) days of such passage or adoption. If the Mayor approves such legislation he shall sign it within ten (10) days after passage or adoption by Council. If the Mayor does not approve

he shall veto such legislation by returning it to Council within the aforesaid ten (10) days with a written statement of his objections. Such statement of objections shall be entered in its entirety in the Council journal. The Mayor may approve or disapprove the whole or any items of an ordinance appropriating money but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor does not sign or veto an ordinance or resolution within the aforesaid ten (10) days, it shall take effect in the same manner as if he had signed it. When the Mayor has vetoed an ordinance or resolution, Council may, at its next meeting thereafter, reconsider said ordinance or resolution and if approved by two-thirds (2/3) or more Council members after such reconsideration, said ordinance or resolution shall take effect notwithstanding the disapproval of the Mayor.
(Approved Nov. 5, 1996; Nov. 6, 2007)

Sec. 4. Executive Powers and Duties.

(a) The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the affairs of the City and supervise all the departments and divisions thereof, except as otherwise provided in this charter. He shall be the chief conservator of the peace within the City, and shall see that all laws and ordinances are enforced therein.

(b) Except as may otherwise be provided by this Charter or the laws of the State of Ohio, the Mayor shall have the power to appoint, promote, transfer, reduce or remove any officer or employee of the City, except those required by this Charter to be elected.

(c) The Mayor shall execute on behalf of the City all contracts, conveyances and all other instruments to which the City is a party. He shall be the official and ceremonial head of the City and shall receive all civil processes in any action wherein the City is a party.

Sec. 5. Vacancy in Office of Mayor.

(a) Absence. When the Mayor is absent from the City or unable to perform his duties, the President of Council shall act as the Mayor, with the same powers and duties as the Mayor, and shall continue as President of Council with all the powers and duties of a president of council.

(b) Vacancy. The office of Mayor shall be considered vacant when the Mayor shall absent himself from four (4) consecutive regular Council meetings, except that Council, by an affirmative vote of at least two-thirds (2/3) of its members, may extend this period, after which the President of Council shall succeed to the office of Mayor and shall be endowed with all of the powers of said office.
(Approved Nov. 5, 1996; Nov. 7, 2006)

Sec. 6. Commencement of Term.

Commencing with the regular Municipal election of 1991 and each election thereafter, the Mayor shall take office beginning at 12:01 p.m. on the first Monday of December following said regular Municipal election.
(Approved Nov. 6, 1990)

ARTICLE V
ADMINISTRATIVE DEPARTMENTS, BOARDS, COMMISSIONS AND OFFICES

Sec. 1. Specific Provisions.

Initially, the City of Broadview Heights shall have a Department of Finance, a Department of Law, a Department of Public Safety and a Department of Public Service. There shall be a Planning Commission, a Civil Service Commission and a Board of Zoning Appeals. There shall be a Clerk of the City.

The Council may, by ordinance, make provision for such other departments, commissions, boards and offices as it may determine are required, and may combine, consolidate or abolish such other departments, commissions, boards, offices or divisions thereof as it may deem necessary, so long as such action is not inconsistent with any provision of this Charter.

Sec. 2. Department of Law.

The Director of Law shall be head of the Department of Law. He shall be the legal advisor, attorney and prosecuting attorney for the City and shall perform such duties as are consistent with his office and that may be required by the Mayor or Council.

The Director of Law shall be appointed by the Mayor with the approval of a majority of Council. Disapproval of an appointee by Council shall be accompanied by a public statement of the reasons for disapproval.

The Director of Law need not be an elector of the City; however, he shall have been duly admitted to the practice of law in the State of Ohio and shall have been actively engaged therein for a period of five (5) years or more immediately prior to his appointment. (Approved May 2, 1989)

Sec. 3. Department of Finance.

(a) The Department of Finance shall be under the supervision of the Director of Finance. The Director of Finance need not be an elector of the City but shall be a certified public accountant and have a minimum of five (5) years experience in public or private accounting.

The Director of Finance shall be appointed by the Mayor with the approval of a majority of Council. Disapproval of an appointee by Council shall be accompanied by a public statement of the reasons for disapproval.

The Director of Finance shall attend all Council meetings and serve the Mayor and Council as financial adviser in Municipal affairs of the City. His duties shall include the preparation of data for the annual budget, supervision of all accounts, the certification for collection of special assessments and fiscal matters as Council may direct. (Approved Nov. 3, 1998)

(b) The Director of Finance shall establish and maintain accounting procedures necessary for keeping complete financial transactions of all departments and offices of the Municipality. Such accounting procedures and financial records shall be adequate in form and in such detail as necessary for the making of all financial reports and furnishing such other financial data and statements as may be required under this Charter.

(c) The Director of Finance shall approve all valid purchase requisitions after determining that the requisition is drawn on the proper account and that the account will not be overdrawn as a result of the requisition in question.
(Approved Nov. 5, 1968)

(d) The Director of Finance shall assist the Mayor in the preparation of an annual budget of revenue and expenditures of this City for the next succeeding fiscal year. This budget shall be prepared not less than forty-five (45) days before the end of each fiscal year and shall be compiled from information furnished by the head of each department, commission, board or division in such form and detail as the Mayor may require. The Mayor, with the assistance of the Director of Finance, shall furnish to Council the budget mentioned above as well as an ordinance making initial appropriations for the expenditures of this City during the year covered by such budget in such form as may be determined by the Mayor with the assistance of the Director of Finance. Thereafter, the Council shall review and approve the budget subject to such amendments thereto as the Council deems advisable. In conducting said review, the Council may request such additional information as may be necessary to appropriately consider the budget.

(e) The Director of Finance shall prepare financial statements, as deemed appropriate by the Director of Finance and as required by State law, at least quarterly and submit the same to the Council not later than fifteen (15) days after the end of each accounting period detailed as to appropriations and funds in such manner as to show the true financial condition of the Municipality and each department and division thereof as of the last day of the accounting period. He shall furnish such other financial reports, data and statements as shall be required by the Mayor, Council or laws of the State of Ohio.
(Approved Nov. 3, 1998)

Sec. 4. Clerk of the City.

There shall be a Clerk of the City who shall be appointed by the Mayor. The Clerk of the City shall serve as purchasing agent for the City. The purchasing agent may, on the basis of requisitions submitted by department, commission or board heads and approved by the Director of Finance, or as directed by Council and within the amounts and items appropriated by Council, make purchases not in excess of ten thousand dollars ($10,000), provided sufficient funds have otherwise been appropriated by Council. No expenditure of more than ten thousand dollars ($10,000) shall be made except upon specific order and approval of Council. All records pertaining to requisitions and purchases shall be kept at City Hall.
(Approved Nov. 3, 1998; Nov. 4, 2014)

Sec. 5. Department of Public Safety.

(a) The Department of Public Safety shall be under the supervision of the Director of Public Safety who must be a qualified elector of the City. The Mayor shall serve as Director of Public Safety until such a time as Council may decide it to be in the best interest of the City for this office to be filled by some other qualified elector. At such time the Council shall direct the Mayor to appoint an elector to the office of Director of Public Safety with the appointment subject to the approval of Council.

The Director of Public Safety shall be the executive head of the Fire Department and the Police Department and shall be responsible for enforcing all police, health, safety and sanitary regulations that may be prescribed by the ordinances of the City or the general laws of the State of Ohio.

The Fire Department shall consist of the Fire Chief and such other officers, firemen and personnel as the Council shall provide, all of whom shall be appointed by the Mayor and in accordance with the rules and regulations of the Civil Service Commission and the provisions of this Charter.

The Police Department shall consist of the Chief of Police and such other officers, patrolmen and personnel as the Council shall provide, all of whom shall be appointed by the Mayor and in accordance with the rules and regulations of the Civil Service Commission and the provisions of this Charter.
(Approved Nov. 5, 2002)

(b) The Director of Public Safety shall make and publish, with the approval of the Council, written rules for the government of the Police, Fire and Building Departments and the conduct and discipline of members and personnel thereof.
(Approved Nov. 5, 1968)

Sec. 6. Department of Public Service.

(a) The Department of Public Service shall be under the supervision of the Director of Public Service who must be a qualified elector of the City. The Mayor shall serve as Director of Public Service until such time as the Council may decide it to be in the best interest of the City for this office to be filled by some other qualified elector. At such time the Council shall direct the Mayor to appoint an elector to the office of Director of Public Service with the appointment subject to the approval of Council.

(b) The Department of Public Service shall consist of a Division of Streets and a Division of Public Properties, operating under the direct supervision of the Director of Public Service. The Director of Public Service shall appoint the heads of these divisions subject to approval of the Council. Disapproval of an appointee by Council shall be accompanied by a public statement of the reasons for disapproval. The duties of each division shall be determined by ordinance of Council.

(c) The Director of Public Service shall have charge of all public works and construction thereof. He shall be responsible for the construction, improvement, repair and maintenance of streets, sidewalks, lanes and bridges; of sewers, sewage systems, drains, ditches and culvert streams; and of all public places belonging to the City or dedicated to public use.

He shall manage all public utilities of the City supported wholly or in part by taxation, and shall enforce all obligations of privately owned or operated public utilities enforceable by the City.

He shall have charge of the cleaning, resurfacing, repairing, sprinkling and lighting

of streets and public places; the collection and disposal of waste; and the preservation of all property belonging to the City and pertaining to the functions thereof.

He shall perform such other duties consistent with his office as may be required by this Charter, by ordinance of the Council or, in the case of an appointee, as directed by the Mayor.

(Approved Nov. 5, 1968; Nov. 4, 2003)

Sec. 7. Planning Commission.

(a) Organization.

(1) The Planning Commission shall consist of five (5) regular members and two (2) alternate members who shall be electors of the Municipality and who shall be appointed by the Mayor with the approval of a majority of Council. Disapproval of an appointee by Council shall be accompanied by a public statement of the reasons for disapproval.

No Commission member shall hold any other Municipal office or appointment in this Municipality.

Alternate members of the Planning Commission shall be in addition to the regular members and may substitute for regular members who are unable to attend a meeting or hearing of the Commission. Alternate members shall only be entitled to vote when they substitute for regular members who are unable to attend a meeting or hearing of the Commission. Alternate members shall be the two (2) most recently appointed of the members.

Council shall appoint one of its members as an ex officio member to attend all meetings. He shall have no vote in the deliberations of the Planning Commission, but shall apprise Council of the activities of the Commission.

(2) The Commission shall elect its Chairman from among its appointed members.

(3) The term of each member of the Commission shall be four (4) years except that of three (3) members first appointed who shall be appointed for two (2) years; the remaining two (2) members shall be appointed for four (4) years. Thereafter all succeeding appointments shall be for four (4) years.

(4) Any vacancy occurring during the unexpired term of any member shall be filled as originally provided for the remainder of the term.

(5) No Commission member may participate in any deliberation or vote upon any matter involving property or issues which directly affect the personal or business interest of the member, or for which the member will be in a position to realize personal aggrandizement or financial gain. Each member shall sign a non-conflict of interest affidavit prepared by the Director of Law in accordance with the laws of the State of Ohio. This affidavit shall be executed at the time the member takes office.

(Approved Nov. 8, 1978)

(6) The Mayor may at any time remove any Commission member for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency, provided however, that such removal

shall not become final without the concurrence of at least two-thirds (2/3) of the members of Council.
(Approved Nov. 3, 1998; Nov. 7, 2006)

(b) Qualifications.

(1) Members of the Planning Commission shall be electors whose education or experience provides the level of personal competence necessary for the development of a Master Plan for the physical development of the

Municipality and zoning plans to control land use, and for such other duties as this Charter may provide.

(2) No member of the Planning Commission shall hold a real estate license or a real estate broker's license or be a land developer or the agent of a land developer.

(c) Duties and Requirements. Subject to the approval of Council, the Planning Commission shall:

(1) Make, amend, extend and add to the Master Plan for the physical development of the Municipality;

(2) Exercise control over platting or subdividing land within the Municipality and recommend acceptance or rejection of all projects properly presented to it pursuant to procedures established by Council;

(3) Draft for the Council an official map of the Municipality and recommend or disapprove proposed changes in such map;

(4) Make or adopt a zoning plan and recommend or disapprove proposed changes to such plan. However, the Council may from time to time amend, repeal or adopt any or all the provisions of the zoning ordinance, but no amendment, repeal or adoption shall be passed until the Council shall have held a public hearing thereon and shall have given at least fourteen (14) days notice of the time and place thereof in a newspaper of general circulation in the Municipality. During said fourteen-day period, the text or a copy of the text of such amendment, repeal or adoption, together with the maps or plans or copies thereof, forming part of, or referred to in, said ordinance, measure or regulation, shall be on file with the Clerk of Council for public examination, and a copy of the text of such amendment, repeal or adoption shall be placed or posted in a conspicuous place in the Municipal Building.

(5) Submit annually to the Mayor and Council, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended changes or capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming two-year period. Such a list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.

(6) Make and adopt plans for the clearing and rebuilding of blighted areas within the Municipality;

(7) Promote public interest in and understanding of the Master Plan and of planning and zoning;

(8) Hold regular meetings open to the public at least once each month in the Council Chamber of the Municipality. Special meetings shall be held at the call of the Chairman when deemed necessary, subject to such provisions as provided by the rules of the Commission.

(9) Keep a public record of its resolutions, findings and determinations.

(Approved Nov. 8, 1994)

(d) Powers. The powers of the Commission are as follows:

(1) Request information and require the same to be furnished within a reasonable length of time from the other departments of the Municipal government in relation to its work;

(2) Within its budget appropriation and with the approval of Council, contract with appropriate consultants for such services as it may require;

(3) Request assistance from the Mayor, who may, at his discretion, assign to the Commission members of the staff of any administrative department or direct such department to make special studies requested by the Commission;

(4) In the performance of its functions, enter any land and make examinations and surveys and place and maintain necessary monuments and marks thereon;

(5) Make and adopt a plan for the replanning, reconstruction or redevelopment of any area or district within the Municipality which may have been destroyed, in whole or part, or seriously damaged by fire, earthquake, flood or any other disaster; and

(6) Have all other powers granted by the Constitution of Ohio and the laws of the State of Ohio, provided the same are not inconsistent with the Charter or ordinances of the City of Broadview Heights, Ohio.
(Approved Nov. 8, 1994)

(e) Referral to Planning Commission.

(1) Any ordinance referring to zoning or platting or other regulations controlling the use or development of lands shall not be passed, or become effective or binding upon the Municipality, unless and until Council shall have first submitted the same to the Planning Commission for report and recommendation. Any matter so referred shall be acted upon by the Commission within sixty (60) days from the date of referral unless a longer time is allowed by Council; however, in no event shall the time allotted exceed sixty (60) additional days.

(2) If the Planning Commission shall fail to act within the time allotted, Council may act thereon as if it had received a recommendation of approval in such matter. In such a case, Council shall hold a public hearing prior to enacting the proposed ordinance.

(3) Any provision of any ordinance, resolution or order disapproved by formal action of the Planning Commission shall require a concurrence of at least two-thirds (2/3) members of Council for adoption or authorization.

(4) When the Planning Commission shall make a recommendation to the Council for a change in or addition to any zoning ordinance or building code, Council shall study each recommendation and, unless otherwise agreed to by the applicant, take final action within ninety (90) days.
(Approved Nov. 3, 1998)

(f) Funds. A sufficient sum shall be appropriated by the Council each year to carry out the planning and zoning provisions of this Charter.
(Approved Nov. 7, 1972; Nov. 6, 2007)

Sec. 8. Board of Zoning Appeals.

(a) Organization.

(1) There shall be a Board of Zoning Appeals consisting of at least five (5) regular members and two (2) alternate members.

At least one regular member of the Board of Zoning Appeals shall be appointed from each ward. All other members, whether regular or alternate, shall be appointed from the City at-large. In the event that the number of ward members plus one regular member at-large is at any time such as to result in an even number of regular voting members, the Mayor shall appoint an additional regular member at-large, and no more, so as to result in an odd number of regular votes. Total membership shall be as otherwise provided herein except that at no time shall the regular membership of the Board of Zoning Appeals exceed the sum of all ward members plus two at-large members.

Alternate members of the Board of Zoning Appeals shall be in addition to the regular members and may substitute for regular members who are unable to attend a meeting or hearing of the Board. Alternate members of the Board of Zoning Appeals shall be the two (2) most recently appointed of the members at-large.

The Mayor shall appoint the members of the Board of Zoning Appeals and said appointees shall be approved by a majority of Council. Disapproval of an appointee by Council shall be accompanied by a public statement of the reasons for disapproval.

Council shall appoint one of its members as an ex officio member to attend all meetings. He shall have no vote in the deliberations of the Board of Zoning Appeals but shall apprise the Council of the activities of the Board of Zoning Appeals.
(Approved Nov. 5, 2002)

(2) The Board shall elect its Chairman from among its members.

(3) The term of each member of the Board shall be for four (4) years.
(Approved Nov. 8, 1966)

(4) Any vacancy occurring during the unexpired term of any member shall be filled as originally provided for the remainder of the term.

(5) On every vote taken by the Board of Zoning Appeals each member shall sign a non-conflict of interest affidavit prepared by the Director of Law in accordance with the laws of the State of Ohio. Said affidavit shall provide that the signer thereof shall realize no personal aggrandizement or financial gain as the result of his vote in said meeting. This affidavit shall be incorporated in the minutes of the Board of Zoning Appeals of that particular date.
(Approved Nov. 8, 1978)

(6) The Mayor may at any time remove any member for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency, provided however, that such removal shall not become final without the concurrence of at least two-thirds (2/3) of the members of Council. (Approved Nov. 3, 1998; Nov. 7, 2006)

(b) Qualifications. No member of the Board of Zoning Appeals shall hold a real estate license or a real estate broker's license or be a land developer or the agent of a land developer.

(c) Duties and Requirements.

(1) Meetings shall be held at the call of the Chairman when deemed necessary, subject to such provisions as provided by the rules of the Board, or at such times as Council may require.
(Approved Nov. 8, 1994)

(2) All meetings of the Board of Zoning Appeals shall be public. Public notice shall be given of hearings on any appeals by the posting of a notice in the main entrance of the Municipal Building and by publishing one notice in a newspaper of general circulation in the City of Broadview Heights at least fourteen (14) days prior to the date of said hearing. Written notice of a variance to be considered by the Board of Zoning Appeals shall be mailed to all the property owners within a five hundred (500) foot radius of the property for which a variance is requested at least fourteen (14) days prior to the date of said hearing. Said notice shall be in a form reasonably calculated to give actual notice of the date of the hearing. The Board of Zoning Appeals shall keep minutes of its proceedings.
(Approved Nov. 3, 1998; Nov. 5, 2002; Nov. 4, 2003; Nov. 7, 2006)

(d) Determinations; Variances.

(1) Except as otherwise provided herein, the Board of Zoning Appeals shall determine all matters properly presented to it in writing. Where practical difficulties shall result from the enforcement of any zoning ordinance, the Board of Zoning Appeals shall have the power to grant a variance in harmony with the general intent of the ordinance and to secure the general welfare and substantial justice in the promotion of the public health, comfort, convenience, morals, safety and general welfare of the Municipality.

(2) Variances granted pursuant to Section 8(d)(1), unless acted upon, shall expire one year from the date in which the variance was granted. The jurisdiction of the Board of Zoning Appeals shall not extend to the granting of a variance from any zoning ordinance which limits the location of trades, industries, condominiums, apartment houses, two-family houses, single-family houses and/or any other comparable structures and/or primary uses to a specific zoning district.

(3) The action of the Board of Zoning Appeals on any non-residential matter shall be forwarded to Council. Council may, by affirmative vote of two-thirds

(2/3) of its members override the action of the Board of Zoning Appeals on any non-residential matter, provided however, that the vote to do so must be made within thirty (30) days of the action of the Board of Zoning Appeals. The action of the Board of Zoning Appeals on all residential matters shall be final.
(Approved Nov. 8, 1994; Nov. 4, 2008)

(e) Funds. A sufficient sum shall be appropriated by the Council each year to carry out the Board of Zoning Appeals provisions of this Charter.

Sec. 9. The Civil Service Commission.

(a) Organization.

(1) The Civil Service Commission shall consist of three (3) electors of the Municipality not holding other Municipal office or appointment, to be appointed by the Mayor with the approval of a majority of the members of Council. Commissioners shall serve for a term of four (4) years.

(2) A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term by the Mayor with the approval of a majority of the members of Council.

(3) The Commission shall designate one of its members as Chairman and may appoint a Secretary who need not be a member of the Commission and may hold other Municipal office or appointment.

(b) Compensation and Funds. Members of the Civil Service Commission shall serve without compensation unless otherwise provided by ordinance. A sufficient sum shall be appropriated by the Council to carry out the civil service provisions of this Charter.

(c) Powers and Duties.

(1) The Commission shall provide for ascertainment of merit and fitness as the basis for appointment and promotion in the classified service of the Municipality, as required by the Constitution of the State of Ohio, the Revised Code of the State of Ohio, and for appeals from the action of the Director of Public Safety of the Director of Public Service in case of transfer, reduction or removal except as otherwise provided in this Charter.

(2) The Commission shall keep a record of its proceedings and examinations, which shall be open to public inspection, and in all matters not in conflict with this Charter shall conduct its affairs in accordance with the provisions of general law and consistent with the Rules and Regulations of the Civil Service Commission of Broadview Heights.

(d) Classification of Service.

(1) Officers, appointees and employees of the Municipality are hereby divided into the classified and unclassified service.

(2) The classified service shall comprise all persons employed full-time within the Police and Fire Departments for which it is practicable to determine the merit and fitness of applicants by competitive examination or who have been appointed pursuant to Article V, Section 9(e), of the Charter except for the Secretary to the Police Chief, the Secretary to the Fire Chief and all employees engaged in the activities that are principally clerical in nature.

(3) The unclassified service shall include all positions not specifically included in the classified service.

(Approved Nov. 8, 1994; Nov. 4, 2003)

(e) Appointment of Full-Time Firemen. (EDITOR'S NOTE: Division (e) was repealed by the voters on November 5, 2002.)

(f) Removal. The Mayor may at any time remove any commissioner for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency, provided however, that such removal shall not become final without the concurrence of at least two thirds (2/3) of the members of Council.
(Approved Nov. 3, 1998; Nov. 7, 2006)

Sec. 10. Department of Parks and Recreation.

(a) Organization.

(1) There shall be a Department of Parks and Recreation which shall be under the direction of a Director of Parks and Recreation.

(2) The Director of Parks and Recreation shall be appointed by the Mayor with the approval of a majority of Council. Disapproval of an appointee by Council shall be accompanied by a public statement of the reasons for disapproval.

(3) Subject to the other provisions of the Charter and the ordinances promulgated thereunder, the Director of Parks and Recreation shall have the control and management of parks, park entrances, parkways, children's playgrounds, public recreation facilities, gymnasiums, swimming pools, playfields, or indoor recreational centers, and any lands or buildings set aside for park or recreational use by the public, and the acquisition, construction, repair, and maintenance thereof. Subject to the Charter, the Director of Parks and Recreation shall have the responsibility for expenditures of all monies appropriated by the legislative authority of the City or received from any other source for the purchase, acquisition, improvement, maintenance, equipment, or enjoyment of all property under his control, but no liability shall be incurred or expenditure made unless the money required therefor is duly appropriated.

The Director of Parks and Recreation may recommend and the Mayor may employ recreational supervisors, engineers, clerks, and other necessary employees for carrying into effect the purposes of the Department, and the Council shall fix the compensation and term of service of such employees within its appropriation.

(4) The Director shall be required and shall have the power to schedule and regulate the use of the facilities in the City in all areas of recreation. The Director shall give first preference to the citizens and organizations of Broadview Heights in the scheduling of the use of any recreational facilities.

(5) The Director, with the approval of the Mayor, shall prepare a set of rules governing the use of recreational facilities and the supervision of personnel used in conjunction therewith, and shall make the same as a public record.

(6) The Director shall create and administer all recreational programs for the City of Broadview Heights.

(b) Parks and Recreation Advisory Board.

(1) Effective with this Charter Amendment, the term of each member of the current Board of Recreation and Activities shall terminate.

(2) The Mayor shall appoint a Parks and Recreation Advisory Board of five (5) members with the approval of a majority of Council and the Mayor shall consult with the Director as to the Director's recommendations prior to appointing said Board.

(3) All members of the Parks and Recreation Advisory Board shall serve without compensation and no member shall hold any other Municipal office or appointment in the City of Broadview Heights.

(4) Within thirty (30) days of the effective date of this provision, three (3) members of the Parks and Recreation Advisory Board shall be appointed for a term of four (4) years and two (2) members shall be appointed for a term of two (2) years. Thereafter, all persons appointed to the Parks and Recreation Advisory Board shall serve for a term of four (4) years.

(5) Any vacancy occurring during the unexpired term of any of the members shall be filled by the Mayor with the approval of a majority of Council and said appointee shall conclude the term of the member whom he has succeeded.

(6) The Parks and Recreation Advisory Board shall hold meetings at least once per calendar quarter or from time to time as the Director may require.

(7) The Mayor may at any time remove any member of inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency, provided however, that such removal shall not become final without the concurrence of at least two thirds (2/3) of the members of Council.

(8) The Parks and Recreation Advisory Board shall review and make recommendations on pertinent parks and recreation issues, on behalf of all of the City's residents, in order to improve the quality of life and benefit all City residents.

(Approve Nov. 3, 1998; Nov. 7, 2006)

Sec. 11. Department of Human Services.

(a) Establishment. The Department of Human Services is hereby established.

(b) Director of Human Services. The Department of Human Services shall be under the supervision of the Director of Human Services, which position shall be appointed by the Mayor with the concurrence of a majority of Council. Disapproval of an appointee by Council shall be accompanied by a public statement of the reasons for disapproval. The Director of Human Services shall serve at the pleasure of the Mayor and shall be directly responsible for carrying out the purposes of the Department of Human Services.

(c) Powers and Duties. The Human Services Department shall provide a central resource wherein individuals with social concerns can obtain general or specific assistance or information. The Department shall:

(1) Develop, cultivate and bring together human resources in the community in assisting persons in the area of social concerns;

(2) Encourage and work with public and private agencies in establishing facilities and programs within the City that deal with needs, such as needs of the elderly, problems of mentally or physically handicapped persons and family counseling problems; and

(3) Direct or bring together individuals willing to donate their time or services in helping others.

(d) Human Services Advisory Board.

(1) Establishment. There is hereby established an advisory board to be known as the Human Services Advisory Board, which board shall consist of seven (7) electors of the municipality, not holding other municipal office or appointment, who shall be appointed by the Mayor and confirmed by a majority of Council for terms of three (3) years. Any vacancy shall be filled in the same manner for the unexpired term.

Council shall appoint one of its members as an ex official member to attend all meetings. He shall have no vote in the deliberation of the Human Services Advisory Board but shall apprise Council of the activities of the commission.

(2) Powers and Duties. The Board shall meet and organize and thereafter shall meet at least monthly for the purpose of advising and assisting the Director of the Human Services Department in the establishment of policies and procedures with respect to prospective programs or activities deemed necessary to carry out the purposes of the Office. The Board shall also confer with the Mayor and Council relative to the establishment of programs designed to meet the human needs of the residents of the City.

(3) Rules and Regulations. The Board shall adopt rules and regulations with respect to conducting meetings, which rules and regulations shall be consistent with the purpose and intent of the powers and duties set forth in this section.

(4) Reports. The Board shall file a written annual report with the administration and Council not later than the first regular meeting of Council in February of each year, setting forth such details of its activities for the previous year as Council and the Mayor may require.
(Approved Nov. 5, 2002; Nov. 7, 2006)

Sec. 12. Building and Zoning Department.

(a) Establishment. The Building and Zoning Department is hereby established.

(b) Authority of Building Department. The Building and Zoning Department shall have the authority to administer the provisions of the Building and Zoning Codes of the City.

(c) Building Commissioner. The Building and Zoning Department shall be under the Supervision of the Building Commissioner, which position shall be appointed by the Mayor with the concurrence of a majority of Council. Disapproval of an appointee by

Council shall be accompanied by a public statement of the reasons for disapproval. The Building Commissioner shall serve at the pleasure of the Mayor and shall be directly responsible for carrying out the purposes of the Building and Zoning Department.

(d) Powers and Duties. The Building Commissioner shall be responsible for the performance and oversight of the duties of the Building and Zoning Department, which shall include directing and organizing the Department, program administration, planning, zoning, building inspections, building and housing Code enforcement, and planning and zoning Code enforcement.

The Building and Zoning Department shall be staffed as otherwise provided by Charter and ordinances so as to provide adequate personnel to discharge the responsibilities of the Building and Zoning Department.

All other duties and powers of the Building and Zoning Department shall be as otherwise provided in the Charter and Ordinances of the City of Broadview Heights, Ohio. (Approved Nov. 5, 2002; Nov. 7, 2006; Nov. 4, 2014)

Sec. 13. Department of Engineering.

(a) Establishment. The Department of Engineering is hereby established.

(b) Director of Engineering. The Department of Engineering shall be under the supervision of the Director of Engineering, which position shall be appointed by the Mayor with the concurrence of a majority of Council, provided that the appointee now serving as Broadview Heights Engineer shall continue in said position until his successor is appointed and qualified as otherwise provided by law. Disapproval of an appointee by Council shall be accompanied by a public statement of the reasons for disapproval. The Director of Engineering shall serve at the pleasure of the Mayor and shall be directly responsible for carrying out the purposes of the Department of Engineering.

(c) Powers and Duties. The Director of Engineering shall have charge of all engineering and inspection in connection with public works and inspections as well as all engineering and inspection as otherwise required by the ordinances of the City of Broadview Heights, Ohio. He shall have charge of making and preserving all surveys, maps, plans, drawings and estimates for public works and shall attend all meetings and perform all other duties consistent with his office and as may be required by this Charter, by ordinance of the Council, and/or as directed by the Mayor.

The Director of Engineering shall file a written annual report with the administration and Council not later than the first regular meeting of Council in February of each year, setting forth such details of its activities for the previous year as Council and the Mayor may require.
(Approved Nov. 4, 2003)

ARTICLE VI
GENERAL PROVISIONS

The Council may, by ordinance, establish additional departments and commissions, or divisions thereof, and provide for such boards, officers and employees as it may deem necessary.

ARTICLE VII
NOMINATIONS AND ELECTIONS

Sec. 1. Municipal Elections.

Regular Municipal elections shall be held on the first Tuesday after the first Monday of November in the odd-numbered years.

Sec. 2. Nominations and Qualifications.

Nominations for elective offices of the Municipality shall be made by petition only, on the standard forms for the nomination of nonpartisan candidates for such offices. Each candidate for Mayor shall file a petition signed by not less than one hundred (100) registered electors of the Municipality. Each candidate for Councilman-at-large shall file a petition signed by not less than fifty (50) registered electors of the Municipality. Each candidate for Ward Councilman shall file a petition signed by not less than twenty-five (25) registered electors of the ward in which he seeks election. Each candidate shall file a separate petition. Such nominating petitions shall not be circulated prior to one hundred fifty (150) days before said election. Group petitions shall not be used. Such petition or petitions when filed must be accompanied by the written acceptance of the nominee. Each signer of a petition shall sign his or her name and after his or her name shall designate his or her address and the date of signing. The petition may be in a number of parts, but each part shall be verified under oath by the circulator as required by law. Nominating petitions shall be filed with the Board of Elections of Cuyahoga County not less than ninety (90) days prior to the date of election.
(Approved Nov. 5, 1996)

Sec. 3. Election Procedures.

The ballots used in elections for offices of the Municipality shall be without party mark or designation. The names of all candidates shall be placed upon the same ballot and shall be rotated in the manner provided by the general laws of the State of Ohio. Any person may vote in any Municipal election if such person is registered as a voter with election authorities as prescribed by the laws of the State of Ohio.

Except as otherwise provided in this Charter, the general laws of the State of Ohio shall govern the nomination and election of the elective officers of the Municipality.
(Approved Nov. 8, 1978)

Sec. 4. Run-off Election.

(EDITOR'S NOTE: Section 4 was repealed by the voters on November 8, 1978.)

Sec. 5. Primary Election.

There shall be a primary election on the second Tuesday in September in the event that more than six (6) persons are nominated for the elective Municipal office of Council-at-Large, or more than two (2) persons are nominated for Mayor or any ward Council position as provided for in this Charter. The purpose of the primary election is to select six (6) candidates for Council-at-Large and two (2) candidates for Mayor and each ward Council position for the November election ballot. The six (6) candidates for Council-at-Large and two (2) candidates for Mayor and each ward Council position shall be those six (6) in the case of candidates for Council-at-Large and those two (2) candidates for Mayor and/or Ward Councilman receiving the highest number of votes cast in the primary election. The name of each person who is elected in compliance herewith shall be printed on the official ballot for the regular Municipal election in November following, and names of no other candidates shall be printed thereon.

(Approved Nov. 3, 1998; Nov. 5, 2002; Nov. 7, 2006)

ARTICLE VIII
INITIATIVE, REFERENDUM AND RECALL

Sec. 1. Initiative.

The electors shall have the power to propose any ordinance or resolution except an ordinance appropriating money or authorizing the levy of taxes and to adopt or reject the same at the polls. A petition to initiate an ordinance or resolution shall be signed by a number of qualified electors equal to at least ten (10) percent of the total votes cast in the last regular Municipal election. Otherwise the exercise of the power of initiative shall be in accordance with the provisions of the Constitution and the laws of Ohio now or hereafter in effect.

(Approved Nov. 5, 1968)

Sec. 2. Referendum.

The electors shall have the power to approve or reject any ordinance or resolution passed by Council except as otherwise provided by the laws of Ohio. The referendum petition shall be signed by a number of qualified electors equal to at least twenty (20) percent of the total votes cast in the last regular Municipal election. Otherwise the exercise of the power of referendum shall be in accordance with the provisions of the Constitution and the laws of Ohio now or hereafter in effect.
(Approved Nov. 5, 1968)

Sec. 3. Petition Procedure.

All petition papers circulated for the purposes of an initiative, referendum or recall shall be uniform in size and style. All circulators of said petition papers shall be qualified electors and residents of the City. The initiative petition papers shall contain the full text of the proposed ordinance. The signatures to the initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof, as provided by general law. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name, his place of residence by street and number. There shall appear on each petition the names and addresses of the same five (5) electors, who, as a committee of petitioners, shall be regarded as responsible for the circulation and filing of the petition. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the Clerk of Council as one instrument.
(Approved Nov. 4, 2014)

Sec. 4. Recall.

Electors shall have the power to remove from office, by recall election, any elected officer of the Municipality. After an elected officer has served six (6) months of his term, a petition demanding his recall and removal may be filed with the Clerk of Council. Such petition shall state the position of the elected officer, his or her name and the reasons for removal. In the case of a Ward Councilman, such petition shall be signed by qualified electors of the ward equal in number to at least twenty-five (25) percent of the total votes cast in the ward from which the Councilman was elected at the last preceding regular election, and only qualified electors of said ward shall be eligible to vote at said recall election. In the case of the Mayor and Councilmen-at-large, such recall petition shall be signed by qualified electors equal in number to at least twenty-five (25) percent of the total votes cast at the last preceding regular Municipal election. All registered voters of the Municipality shall be eligible to cast their vote in said recall election. If the Clerk of Council shall find the petition sufficient, he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall fix a day for holding a recall election, not less than thirty (30) days, nor more than forty-five (45) days from the date of delivery. The form of the ballot used shall be:

"Shall _____ be retained in his office as_____?"

If a majority of the ballots cast shall be voted affirmatively, such officer shall remain in office. If a majority of the ballots cast shall be voted negatively, such officer shall be

considered as removed, his office shall be deemed vacant and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.
(Approved Nov. 2, 1971)

ARTICLE IX
ORDINANCES AND RESOLUTIONS AND EFFECTIVE DATES

Sec. 1. Action by the Council.

The action of the Council shall be by ordinance or resolution, and on the passage of each ordinance or resolution the vote shall be taken by "yes" and "no" and entered upon the journal. An affirmative vote of at least a majority of the Council shall be required for the passage of every ordinance or resolution. No bylaw, ordinance or resolution of a general and permanent nature, or granting a franchise, or creating a right, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property, shall be passed, unless it is written or printed and has been fully and distinctly read on three different days, and with respect to any such bylaw, ordinance or resolution, there shall be no authority to dispense with this rule, except by an affirmative vote of two-thirds (2/3) of the members elected to the Council, and eligible to vote, taken by "yes" or "no," on each bylaw, resolution or ordinance, and entered on the journal.

A written or printed copy of any ordinance or resolution shall be furnished to all members of Council and the Mayor at least twenty-four (24) hours prior to introduction thereof, unless expressly or impliedly waived by the person or persons not receiving a copy as provided for herein.

All ordinances, resolutions, statements, orders, proclamations and reports required by law or by this Charter or by ordinance to be published or posted shall be posted for a period of fifteen (15) days after passage in the Municipal Building, recreation hall and each of the other wards in a prominent public location in the City as determined by Council.
(Approved Nov. 5, 1996; Nov. 7, 2006)

Sec. 2. Effective Date of Ordinances and Resolutions.

Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual real or personal property tax levy, and (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time is specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty (30) days after its passage or adoption by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds (2/3) of the members of the Council for its enactment. No action of the Council (a) relating to any change in the boundaries or the zoning ordinances of the Municipality, (b) providing for the surrender or joint exercise

of any of its powers, (c) any franchise, (d) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or (e) levying an income or excise tax, shall be taken as an emergency measure.
(Approved Nov. 5, 1996; Nov. 2, 2010)

Sec. 3. Mandatory Referral.

Any legislation passed by Council which refers to the reclassification of the existing zoning of a parcel and/or parcels of land or that refers to changes in any regulations limiting the location of trades, industries, condominiums, apartment houses, two-family houses, single-family houses, and/or any other comparable structures and/or primary uses to a specific zoning district, shall not become effective or binding upon the Municipality unless and until the same is submitted to the electors of the Municipality and approved by a majority vote of all votes cast on this issue by the qualified electors of the City of Broadview Heights. Said issue shall be submitted to the electors of the City at the next primary or general election which shall occur not less than sixty (60) days after its passage by Council.

If this section is violated and a building is under construction or completely constructed, appropriate legal action shall be taken under law to abate said violation.

The City shall have on display at all times in the Council Chambers, available to the public, a Zone Map, showing a legend and summary of zoning regulations by district, including major uses and minimum and maximum lot widths. In addition, each district, City park, playground and City lands shall be accurately located and identified with the date of adoption and the date of revisions to date. Any and all revisions shall be promptly posted to the Zone Map. Maps shall be available to each land owner of the City for a cost as otherwise determined by the Council.
(Approved Nov. 3, 1998)

ARTICLE X
FRANCHISES

The Council may, by ordinance, grant a nonexclusive franchise to any person or corporation to construct or operate a public utility on, across, under, over or above any public street or real estate within the Municipality for a period not in excess of twenty-five (25) years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate to be charged therefor and such other terms as Council shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. No consent of the owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such street and public real estate, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public realty as shall, in the opinion of Council, be necessary in the public interest.

ARTICLE XI
LIMITATION ON THE RATE OF TAXATION

Sec. 1. General Limitation.

Except as otherwise provided herein, the taxing authority of this Municipality shall be, in all respects, subject to the limitations thereon provided by the Constitution and laws of the State of Ohio and nothing contained in this Charter shall be construed to authorize the levying of any tax by this Municipality in excess of said limitations without a vote of the people.

Sec. 2. Exception; Levy to Fund Full-Time Fire and Emergency Medical Service.

Notwithstanding Article XI, Section 1, of this Charter, a tax for the purpose of providing necessary facilities and equipment for, and paying costs of the operation of, a full-time fire and emergency medical service may be levied without a vote of the people at a rate not exceeding 4.2 mills for each one dollar of valuation on all property in the city listed and assessed for taxation, commencing with a levy on the 2012 tax list and duplicate.
(Approved Nov. 6, 2012)

Sec. 3. Limitation on Levying an Income or Receipts Tax.

No ordinance or other measure levying a tax on income earned by residents of this Municipality or earned or received within this Municipality shall be enacted, and no such tax shall be levied or collected unless approved by a majority of those voting upon such question, at a Municipal election. Such question shall be certified to the Board of Elections and placed upon the ballot in the same manner as now or may hereafter be provided by general law for the submission of a tax levy for operating purposes in excess of the limitation imposed by Article XII, Section 2, of the Constitution of the State of Ohio.
(Approved Nov. 8, 1994)

ARTICLE XII
AMENDMENTS TO CHARTER

Sec. 1. Indexing.

(a) System Used. The indexing system of this Charter shall be as follows: Articles numbered I, II, III, IV, etc.; sections numbered 1, 2, 3, etc.; subsections lettered (a), (b), (c), etc.

(b) Severability. Any word, phrase, clause, sentence, subsection, section or article of this Charter may be amended as, or in, the manner hereinafter provided.

Sec. 2. Amendments.

Council may, by affirmative vote of two-thirds (2/3) of its members, submit to the electors any proposed amendment to this Charter; or, upon petition signed by not less than ten (10) percent of the electors of the Municipality setting forth any proposed amendment to this Charter, Council shall submit such proposed amendment to the electors in accordance, in each instance, with the provisions of the Constitution of Ohio. If any such

amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two or more inconsistent proposed amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.
(Approved Nov. 6, 2007)

ARTICLE XIII
CHARTER REVIEW COMMITTEE

At least once every four (4) years during the first quarter of the year there shall be appointed a committee of nine (9) qualified electors of the Municipality to be known as a Charter Review Committee. The members of such Committee shall be appointed a committee of nine (9) qualified electors of the Municipality to be known as a Charter Review Committee. The members of such Committee shall be appointed as follows: One appointed by the Mayor; one appointed by Council from among its members; one appointed by the Planning Commission from its members; one appointed by the Board of Zoning Appeals from its members; one appointed by the Parks and Recreation Advisory Board from its members; and one from each of the wards, appointed by the Mayor with the approval of Council, none of which persons appointed from the wards shall hold any other Municipal office or appointment in this appointment in the City contained in Article V, Sections 7, 8, and 10 of this Charter Review Committee. Such Committee shall review and recommend to Council not less than one hundred twenty (120) days prior to the next November election any alterations, revisions and amendments to this Charter as in its judgment seem advisable. The Council shall submit to the electors without change any such proposed alteration, revision or amendment to the Charter at the next regular November election. Each such Charter Review Committee shall cease to function the day of the next November election following its appointment. The members shall serve without compensation unless otherwise provided by ordinance.
(Approved Nov. 8, 1978; Nov. 3, 1998; Nov. 5, 2002; Nov. 7, 2006; Nov. 4, 2014)

ARTICLE XIV
MISCELLANEOUS PROVISIONS

Sec. 1. Effective Date of Charter.

For the purpose of nominating and electing officers of the Municipality, the establishing of wards and fixing the compensation of those officers elected in 1961, this Charter shall be in effect from and after the date of its approval by the electors. For all other purposes, this Charter shall be in effect on and after the first day of January, 1962.

Sec. 2. Effect of Charter Upon Existing Laws and Rights.

The adoption of this Charter shall not affect any pre-existing rights of the Municipality, nor any right or liability or pending suit or prosecution either on behalf of or against the Municipality, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of this Municipality shall continue in effect until lawfully amended or repealed.

Sec. 3. Saving Clause.

The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

Sec. 4. Interpretation of Charter.

The article and section headings herein have been inserted for convenient reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.

Sec. 5. Continuance of Present Officers.

(a) Continuance of Officers. All persons who are appointees, employees or nonelected officials of the Municipality at the time this Charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made otherwise in accordance with the provisions of this Charter. When such provisions shall have been made, the term of any such appointee, employee or nonelected official shall expire.

(b) Abolishment of Duties. The powers which are conferred and the duties which are imposed upon any appointee, employee or nonelected official, commission, board, department or division of the Municipality under the laws of the State of Ohio, shall, if such office, department or division is abolished by this Charter, be thereafter exercised and discharged by the officer, board, department or division upon whom are imposed corresponding functions, powers and duties hereunder.

Sec. 6. Oath of Office.

Every elected official or officer of the Municipality shall, before entering upon the duties of his office, take an oath or affirm that he will in all respects faithfully discharge the duties of his office, that he will profess loyalty to the Constitution of the United States of America and to the Constitution of the State of Ohio and that he will uphold this Charter and all of the laws of this Municipality.

Sec. 7. Gender Neutrality.

Masculine pronouns and the male gender used in this Charter shall be construed to include the female pronoun and the female gender.
(Approved Nov. 4, 2014)

ARTICLE XV
COMMUNITY BILL OF RIGHTS

a. Right to Pure Water. All residents, natural communities and ecosystems the City of Broadview Heights possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the City.

b. Right to Clean Air. All residents, natural communities and ecosystems in The City of Broadview Heights possess a fundamental and inalienable right to breathe air

untainted by toxins, carcinogens, particulates and other substances known to cause harm to health.

c. Right to Peaceful Enjoyment of Home. Residents of The City of Broadview Heights possess fundamental and inalienable right to the peaceful enjoyment of their homes, free from interference, intrusion, nuisances or impediments to access and occupation.

d. Rights of Natural Communities. Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems possess inalienable and fundamental rights to exist and flourish within The City of Broadview Heights. Residents of the City shall possess legal standing to enforce those rights on behalf of those natural communities and ecosystems.

e. Right to a Sustainable Energy Future. All residents in The City of Broadview Heights possess a right to a sustainable energy future, which includes, but is not limited to, the development, production, and use of energy from renewable and sustainable fuel sources.

f. Right to Self-Government. All residents of The City of Broadview Heights possess the fundamental and inalienable right to a form of governance where they live which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent, and that corporate entities and their directors and managers shall not enjoy special privileges or powers under the law which make community majorities subordinate to them.

g. People as Sovereign. The City of Broadview Heights shall be the governing authority responsible to, and governed by, the residents of the City. Use of the "City of Broadview Heights" municipal corporation by the sovereign people of the City to make law shall not be construed to limit or surrender the sovereign authority or immunities of the people to a municipal corporation that is subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and indefeasible right to self-governance in the community where they reside.

h. Right as Self-Executing. All rights delineated and secured by this Charter shall be self-executing and these rights shall be enforceable against private and public entities.

i. Securing and Protecting Rights. To further secure and protect the rights enumerated by the Bill of Rights.

1. It shall be unlawful for any person or corporation to engage in the extraction of gas or oil within the City of Broadview Heights, with the exception of gas and oil wells installed and operating at the time of enactment of this Charter provision, provided that the extraction of gas or oil from those existing wells does not involve an practice or process not previously used for the extraction of gas or oil from those wells and providing those wells are capped securely when production ceases.

2. It shall be unlawful for any person or corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to deposit, store or transport waste water, "produced" water, "frack" water, brine, or other materials, chemicals or by-products used in the extraction of gas or oil, within, upon or through the land, air or waters of the City of Broadview Heights.
3. It shall be unlawful for any person or corporation, or any director, officer, owner, or manger of a corporation to use a corporation to engage in the creation of fossil fuel, nuclear or other non-sustainable energy production and delivery infrastructures, such as pipelines, processing facilities, compressors, or storage and transportation facilities of any sort that would violate the right to a sustainable energy future for the City of Broadview Heights.
4. Corporations and persons using corporations to engage in gas or oil extraction in a neighboring municipality, county or state shall be strictly liable for all harms caused to natural water sources, ecosystems, human and natural communities within the City of Broadview Heights.
5. Corporations in violation of the prohibition against gas and oil extraction, or seeking to engage in gas or oil extraction shall not have the right of "persons" afforded by the United States and Ohio Constitutions, nor shall those corporations be afforded the protections of the commerce or contracts clauses with the United States Constitution or corresponding sections of the Ohio Constitution.
6. Corporations engaged in the extraction of gas or oil shall not possess the authority or power to enforce State of federal preemptive law against the people of the City of Broadview Heights, or to challenge or overturn municipal ordinances or Charter provisions adopted by the City of Broadview Heights Council.
7. No permit, license, privilege or charter issued by any State or federal agency, Commission or Board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the prohibitions of this Charter provision or deprive any City resident(s), natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter, the Ohio Constitution, the United States Constitution, or other laws, shall be deemed valid within the City of Broadview Heights.
8. Any person, corporation, or other entity that violates any prohibition of this Ordinance shall be guilty of a summary offense and, upon conviction shall be sentenced to pay the maximum fine allowable under State law for that violation, and shall be imprisoned to the extent allowed by law. A separate offense shall arise for each day or portion thereof in which a violation occurs and for each section of this Ordinance found to be violated. Enforcement of this article may be initiated by the Broadview Heights Police Department, the Director of Public Safety, or other designee of City Council. Broadview Heights may also enforce this Ordinance through an action in equity. In such an action, Broadview Heights shall be entitled to recover damages and all costs of litigation, including limitation, expert and attorney's fees.

9. Any City resident shall have the authority to enforce this Ordinance through an action in equity. In such an action, the resident shall be entitled to recover damages and all costs of litigation, including, without limitation, expert and attorney's fees. Any person who brings an action to secure or protect the rights of natural communities or ecosystems within Broadview Heights shall bring that action in the name of the natural community or ecosystem in a court of competent jurisdiction. Damages shall be measured by the cost of restoring the natural community or ecosystem to is pre-damaged state, and shall be paid to Broadview Heights or other applicable governmental entity, to be used exclusively for the full land complete restoration of the natural community or ecosystem.
10. The provision of this section are severable. If any court of competent jurisdiction decides that any sub-section, clause, sentence, part, of provision of this section if illegal, invalid, or unconstitutional, such decision shall not affect, impair or invalidate any of the remaining subsections, clauses, sentences, parts, or provisions of this Bill of Rights and its prohibitions. The people of the City of Broadview Heights hereby declare that in the event of such a decision, and the determination that the court's ruling is legitimate, they would have enacted this amendment even without the sub-section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional. All inconsistent provisions of prior Ordinances and zoning Ordinances adopted at any time by the City of Broadview Heights are hereby held in abeyance, but shall take immediate effect in the event this Bill of Rights and its protective prohibitions are overturned.
(Approved Nov. 6, 2012)